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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,397	04/17/2001	Hark C. Chan	LOCREM-01	7258
23437	7590	12/15/2005	EXAMINER	
HARK CHAN PO BOX 2203 CUPERTINO, CA 95015-2203			NANO, SARGON N	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,397

Applicant(s)

CHAN, HARK C.

Examiner

Sargon N. Nano

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 2-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to RCE filed on Sep. 27, 2005 Claim 2 was amended , claims 12 – 20 were newly introduced. Claims 2 – 20 are pending examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word “ substantially “ does not set the meets and bounds of the claim limitation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al., U.S. No. 6,272,545. In view of Seifert et al. U.S. No. 6,478,220.

As to claim 2, Flanagan teaches a system for communication through a wide area network, said system comprising:

an apparatus comprising:

a wide area interface adapted to communication with at least one portable unit via said wide area network; and (see col.6, lines 24- 45 and fig. 1 Flanagan discloses mobile devices in communication with a desktop ).

a wireless local interface adapted to communicate with said at least one portable unit when said at least one portable unit is located within a domain (see col.12, lines 33 - 47 Flanagan discloses multiple communication mechanisms and interfaces between component of mobile devices and a desktop computer ).

said at least one portable unit comprising:

a wide area interface for communication with said apparatus via said wide area network; and (see col.5, lines 51 – 67 and fig. 2 Flanagan discloses networking environments such as LAN or WAN where the computer desk top and the mobile devices are in communication).

a wireless local interface adapted to communicate with said apparatus when said at least one portable unit is located, within said domain; and (see col.12, lines 33- 47 Flanagan discloses a wireless modem for communication in a network).

wherein at least one member of said apparatus and said at least one portable unit generates non-deterministic digital contents ,said one member uses its wireless local interface to deliver at least one of said digital contents to another member of said apparatus and said at least one portable unit, said digital content being used by said apparatus and said at least one portable unit as identification in communication via said wide area network. (see col.8, lines 10 – 45 Flanagan discloses a non deterministic or

random number generator is assigned to each mobile device as an identifier to enable communication between the mobile device and the computer).

Flanagin teaches the invention as mentioned above. Flanagin does not explicitly teach the limitation "non deterministic digital contents at time intervals that are substantially periodic", however Seifert discloses security code that is a function of date or a predetermined identification code that an agent uses for accessing a system ( see Seifert col. 7 lines 46 – 52 ). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include non deterministic content at times intervals that are substantially periodic because doing so would enable to have a more secure communication between the parties involved, by periodically using non deterministic algorithm would overcome the deficiencies in communication security, furthermore they are robust against password attack.

As to claim 3, Flanagin teaches the system wherein said one member comprises a random number generator used for generating said digital contents. (see col.8, lines 10 - 45).

As to claim 4, Flanagin teaches the wherein said apparatus and said at least one portable unit each comprises a memory for storing said at least one non-deterministic digital content. (see col.11, lines 57- 67 and col.12, lines 1-6).

As to claim 5, Flanagin teaches the system wherein each of said wireless local interfaces comprises a radio frequency interface. (see col.6, lines 25 - 45).

As to claim 6, Flanagin teaches the system wherein said at least one portable unit is a cellular phone. (see col.6, lines 25 - 45).

As to claim 7, Flanagan teaches the system wherein said at least one portable unit is a personal digital assist device. (see col.6, lines 25 - 45).

As to claim 8, Flanagan teaches the system wherein said at least one digital content comprises an algorithm. (see col.6, lines 62 – 67 and col.7, lines 1- 9).

As to claim 9, Flanagan teaches the system wherein said at least one digital content comprises a digital code (see col.2, lines 18 – 33).

As to claim 10, Flanagan teaches the system wherein said wireless local interface of said apparatus and said at least one portable unit performs authentication in delivering said at least one digital content. (see col.7, lines 36 – 67 and col.8, lines 1 – 2).

As to claim 11, Flanagan teaches the system wherein said one member can detect a presence of said another member and delivers said at least one digital content to said another member automatically without user intervention (see col.12, lines 64 – 67 and col. 13 lines 1 - 12).

As to claim 12, Flanagan teaches a method for an apparatus and a portable unit to communicate through a wide area network, comprising:

generating digital contents by one of the apparatus and the portable(see col.8, lines 10 – 45);

while the apparatus and portable unit are within a domain, wirelessly delivering at least one of the digital contents by the one of the apparatus and the portable unit to another of the apparatus and the portable unit(see col.12, lines 33-47); and

using the at least one of the digital contents as identification in communication between the apparatus and the portable unit via the wide area network(see col.5, lines 51 – 67 and fig. 2). Flanagan does not explicitly teach the limitation “ non deterministic digital contents at time intervals that are substantially periodic”, however Seifert discloses security code that is a function of date or a predetermined identification code that an agent uses for accessing a system ( see Seifert col. 7 lines 46 – 52 ). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include non deterministic content at times intervals that are substantially periodic because doing so would enable to have a more secure communication between the parties involved, by periodically using non deterministic algorithm would overcome the deficiencies in communication security, furthermore they are robust against password attack.

As to claim 13, Flanagan teaches the method of claim 12 wherein the one of the apparatus and the portable unit comprises a random number generator for generating the digital contents (see col.8, lines 10 - 45).

As to claim 14, Flanagan teaches the method of claim 12 wherein the delivering is conducted using radio frequency signals (see col.6, lines 25 - 45).

As to claim 15, Flanagan teaches the method of claim 12 wherein the portable unit is a cellular phone(see col.6, lines 25 - 45).

As to claim 16, Flanagan teaches the method of claim 12 wherein the portable unit is a personal digital assist device (see col.6, lines 25 - 45).

As to claim 17, Flanagan teaches the method of claim 12 wherein the at least one digital content comprises an algorithm(see col.6, lines 62 – 67 and col.7, lines 1- 9).

As to claim 18, Flanagan teaches the method of claim 12 wherein the at least one digital content comprises a digital code (see col.2, lines 18 – 33).

As to claim 19, Flanagan teaches the method of claim 12 wherein the delivering comprises authenticating at least one of the apparatus and the portable unit (see col.7, lines 36 – 67 and col.8, lines 1 – 22).

As to claim 20, Flanagan teaches the method of claim 12 wherein the one of the apparatus and portable unit can detect a presence of the another of the apparatus and the portable unit and deliver the at least one digital content to the another automatically without user intervention (see col.12, lines 64 – 67 and col. 13 lines 1 - 12).

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

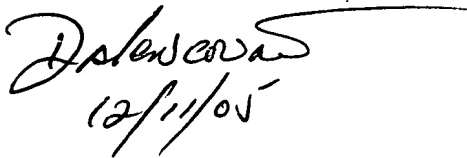
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano  
Dec. 2, 2005



12/11/05